

**Introduced by Senators Speier, Figueroa, Machado, Romero,
Scott, Soto, and Torlakson**

(Coauthors: Assembly Members Hancock, Mullin, Runner, and Yee)

February 3, 2003

An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

LEGISLATIVE COUNSEL'S DIGEST

SB 112, as introduced, Speier. California Organ and Tissue Donor Registry.

Existing law establishes the Organ and Tissue Donor Registry in the California Health and Human Services Agency. Existing law also establishes the Organ and Tissue Donor Registry Fund, to receive voluntary contributions to support the registry and its activities. Under existing law, implementation of provisions relating to the registry and the fund are contingent upon a determination by the Director of Finance that sufficient moneys are available for these purposes.

Existing federal law authorizes the establishment of state organ procurement organizations (OPOs), which may receive specified federal funding, to undertake various activities in connection with organ donation.

This bill would recast and revise existing state law to, among other things, delete the Organ and Tissue Donor Registry Fund and the above provisions relating to contingent implementation, and to authorize the California OPOs to establish a not-for-profit organization to be designated the California Organ and Tissue Donation Registrar, which would establish and maintain the California Organ and Tissue Donor Registry. The bill would transfer certain related duties of the California

Health and Human Services Agency to the registrar and would make various conforming changes.

The bill would make legislative findings and declarations concerning the occurrence of certain conditions that repealed specified related Vehicle Code provisions on July 1, 1999.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Organ and Tissue Donor Registry Act of 2003.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) More than 15,000 Californians are now waiting for a
6 lifesaving organ transplant. Based on the current trend in organ
7 donations, one in three of those waiting will die. In 2000, 5,794
8 Americans died while waiting for a transplant.

9 (2) On a national level the number of organ donors has
10 increased by 10 percent from the years 2000 to 2001, and the
11 number of organ donors in California also increased by 9 percent
12 during this same time period.

13 (3) Despite this percentage increase, in all of 2000, there were
14 still only 634 cadaveric donors in California.

15 (4) A decrease in organ donors results in longer stays on the
16 national organ transplant waiting list and, consequently, more
17 deaths among those patients who are waiting.

18 (5) The national organ transplant waiting list, which is
19 maintained by the United Network for Organ Sharing, is growing
20 at the rate of 3,450 persons per month. A name is added to this
21 national database every 13 minutes.

22 (6) However, no operational registry exists in California for
23 those persons who have expressed a wish to be an organ donor.

24 (b) The use of anatomical gifts, including the donation of
25 organs and tissues for the purpose of transplantation, is of great
26 value to the citizens of this state and may save or prolong the life
27 or improve the health of extremely ill and dying persons.

28 (c) It is the intent of the Legislature to increase the number of
29 persons who identify themselves as potential organ donors. It is the
30 further intent of the Legislature to establish a statewide organ and



tissue donor registry to expedite the match between organ donors and recipients and to encourage charitable contributions to support the registry.

SEC. 3. The Legislature finds and declares the following:

(a) (1) The condition specified in subdivision (e) of Section 12811 of the Vehicle Code, as amended by Section 6 of Chapter 887 of the Statutes of 1998, that would repeal that section, occurred on July 1, 1999.

(2) Therefore, Section 12811 of the Vehicle Code, as amended by Section 6 of Chapter 887 of the Statutes of 1998, was repealed on July 1, 1999.

(b) (1) The condition specified in subdivision (d) of Section 13005 of the Vehicle Code, as amended by Section 8 of Chapter 887 of the Statutes of 1998, that would repeal that section, occurred on July 1, 1999.

(2) Therefore, Section 13005 of the Vehicle Code, as amended by Section 8 of Chapter 887 of the Statutes of 1998, was repealed on July 1, 1999.

SEC. 4. Section 7152.7 of the Health and Safety Code is amended to read:

7152.7. (a) ~~There is hereby established in the California Health and Human Services Agency the Organ and Tissue Donor Registry that~~ *The California organ procurement organizations designated pursuant to Section 273 and following, of Title 42 of the United States Code, are hereby authorized to establish a not-for-profit entity that shall be designated the California Organ and Tissue Donor Registrar, which shall establish and maintain the California Organ and Tissue Donor Registry. The registry shall contain information regarding persons who have identified themselves as organ and tissue donors upon their death. The* ~~agency or its designee-registrar~~ *shall be responsible for maintaining the registry and for developing methods to increase the number of donors who enroll in the registry.*

(b) ~~The agency or designee-registrar~~ shall make available to the federally designated organ procurement organizations (*OPOs*) in California and the state licensed tissue and eye banks information contained in the registry regarding potential donors on a 24-hour-a-day, seven-days-a-week basis. This information shall be used to expedite a match between identified organ and tissue donors and potential recipients.

(c) ~~The agency registrar may receive voluntary contributions to support the registry and its activities. The contributions shall be deposited in the Organ and Tissue Donor Registry Fund which is hereby created in the State Treasury. Expenditures from the fund shall be subject to appropriation by the Legislature and shall be for the sole purpose of providing support for the registry and its activities.~~

~~(d) Implementation of this section shall be contingent on the Director of Finance making a determination that sufficient moneys have been collected in the Organ and Tissue Donor Registry Fund to support the development costs of establishing the registry and operational costs for the first year of operation.~~

SEC. 5. Section 1672 of the Vehicle Code is amended to read:

1672. (a) The department shall make available, in the public area of each office of the department where applications for driver's licenses or identification cards are received, space for a sign or notice briefly describing the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and information about the *California* Organ and Tissue Donor Registry and ~~the Organ and Tissue Donor Registry Fund~~ *about how private donations may be made.*

(b) The department shall make available to the public in its offices a pamphlet or brochure providing more detailed information on the *California* Organ and Tissue Donor Registry and ~~the Organ and Tissue Donor Registry Fund~~ *information about how private donations may be made.*

(c) The signs, notices, pamphlets, and brochures specified in subdivisions (a) and (b) shall be provided without cost to the department by responsible private parties associated with the anatomical gift program.

SEC. 6. Section 12811 of the Vehicle Code, as amended by Section 5.5 of Chapter 740 of the Statutes of 2001, is amended to read:

12811. (a) (1) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the

licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

Each license shall also contain a space for the endorsement of a record of each suspension or revocation thereof.

The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words “provisional until age 18.”

(b) (1) Upon issuance of a new driver’s license or a renewal of a driver’s license or the issuance of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the *California Organ and Tissue Donor Registry* with instructions for mailing the completed form to the ~~California Health and Human Services Agency~~ *Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code*, including a donor dot that may be affixed to the new driver’s license or identification card.

(2) The enrollment form shall be simple in design and shall be produced by the department in cooperation with the ~~California Health and Human Services Agency~~ *Organ and Tissue Donor Registrar* and shall require all of the following information to be supplied by an enrollee:

(A) Date of birth, sex, full name, and other information deemed necessary to provide a positive identification of an individual.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs or tissues.

(3) The form shall also include both of the following:

(A) A description of the process for having a name removed from the registry, and the process for donating money ~~to the Organ and Tissue Donor Registry Fund~~ *for the benefit of the registry*.

(B) A statement that the name of any person who enrolls in the registry pursuant to this section shall be made available to federally recognized donor organizations.

(4) The registry enrollment form shall be posted on the Web sites for the department and the ~~agency~~ *California Health and Human Services Agency*.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation.

(6) The ~~agency~~ *registrar* shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the ~~department~~ *registrar* for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by the ~~department or the California Health and Human Services Agency~~ *registrar*.

(c) A public entity or employee shall not be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the form provided pursuant to subdivision (b).

(d) No contract may be let to any nongovernmental entity for the processing of driver's licenses, unless the department receives two or more qualified bids from independent, responsible bidders.

~~(e) This section shall become operative on the date the Director of Finance makes the determination described in subdivision (d) of Section 7152.7 of the Health and Safety Code.~~

SEC. 7. Section 12811 of the Vehicle Code, as amended by Section 218 of Chapter 664 of the Statutes of 2002, is repealed.

~~12811. (a) (1) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.~~

~~Each license shall also contain a space for the endorsement of a record of each suspension or revocation thereof.~~

1 The department shall use whatever process or processes, in the
2 issuance of engraved or colored licenses, that prohibit, as near as
3 possible, the ability to alter or reproduce the license, or prohibit the
4 ability to superimpose a picture or photograph on the license
5 without ready detection.

6 (2) In addition to the requirements of paragraph (1), a license
7 issued to a person under 18 years of age shall display the words
8 “provisional until age 18.”

9 (b) The department shall provide a form that, when completed,
10 may be carried with the license, by which the licensee may indicate
11 his or her willingness and intent to make an anatomical gift,
12 including the gift of a pacemaker, or his or her refusal to make an
13 anatomical gift pursuant to Section 7150.5 of the Health and
14 Safety Code, and, if applicable, the date that a pacemaker was
15 implanted. The form shall be designed to obtain information
16 sufficient to identify the nature of the anatomical gift and shall
17 include, but not be limited to, all of the following:

18 (1) A space for the signature of the potential donor.

19 (2) A space for the signature of one or more witnesses, which
20 should include the spouse, parent, or adult child of the donor or any
21 other next of kin.

22 (3) A statement sufficient in its terms to meet the requirements
23 of the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
24 with Section 7150) of Part 1 of Division 7 of the Health and Safety
25 Code).

26 (4) A space for the donor to indicate whether the donor desires
27 to donate tissues or organs, or both, or the donor’s entire body for
28 the purpose of transplantation or medical research, or both.

29 (5) Text informing the donor that the form is a legally binding
30 document, which shall remain binding after death despite any
31 expressed desires of next of kin opposed to the donation.

32 (6) Text requiring the donor to discuss the decision to donate
33 with family, friends, or any other person who might be directly
34 affected by the donation, particularly those next of kin who might
35 object to the decision and a space for the donor’s initials to
36 acknowledge that it is the donor’s responsibility to comply with
37 this requirement.

38 (7) Text informing the donor that rescission of the decision to
39 donate shall require the completion of a new form and the removal

1 of the sticker described in Section 1672.5 from the driver's license
2 or identification card.

3 ~~(c) (1) The statement required under paragraph (3) of~~
4 ~~subdivision (b) shall not be deemed to be effective unless both of~~
5 ~~the following conditions have been met:~~

6 ~~(A) The statement is signed by the licensee.~~

7 ~~(B) The licensee is 18 years of age or older at the time of~~
8 ~~signing.~~

9 ~~(2) If the licensee cannot sign, the statement may be signed for~~
10 ~~the licensee, at his or her direction and in his or her presence, in the~~
11 ~~presence of two witnesses who shall sign the statement in his or her~~
12 ~~presence.~~

13 ~~(d) The department shall present the form provided under~~
14 ~~subdivision (b), and explain its use, to each applicant for a license~~
15 ~~or license renewal.~~

16 ~~(e) The anatomical gift shall become effective upon the death~~
17 ~~of the licensee.~~

18 ~~(f) No public entity or employee is liable for any loss,~~
19 ~~detriment, or injury resulting directly or indirectly from false or~~
20 ~~inaccurate information contained in the form provided pursuant to~~
21 ~~subdivision (b).~~

22 ~~(g) No contract may be let to any nongovernmental entity for~~
23 ~~the processing of driver's licenses, unless the department receives~~
24 ~~two or more qualified bids from independent, responsible bidders.~~

25 ~~(h) This section shall become inoperative on the date the~~
26 ~~Director of Finance makes the determination described in~~
27 ~~subdivision (d) of Section 7152.7 of the Health and Safety Code.~~

28 SEC. 8. Section 13005 of the Vehicle Code, as amended by
29 Section 6.5 of Chapter 740 of the Statutes of 2001, is amended to
30 read:

31 13005. (a) The identification card shall resemble in
32 appearance, so far as is practicable, a driver's license issued
33 pursuant to this code. It shall adequately describe the applicant,
34 bear his or her picture, and be produced in color or engraved by a
35 process or processes that prohibit as near as possible, the ability to
36 alter or reproduce the identification card, or prohibit the ability to
37 superimpose a picture or photograph on the identification card
38 without ready detection.

39 (b) (1) Upon issuance of a new identification card, or renewal
40 of an identification card, the department shall provide information

on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the *California Organ and Tissue Donor Registry* with instructions for mailing the completed form to the ~~California Health and Human Services Agency~~ *Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code.*

(2) The enrollment form shall be simple in design and shall be produced by the department, in cooperation with the ~~California Health and Human Services Agency~~ *Organ and Tissue Donor Registrar*, and shall require all of the following information to be supplied by the enrollee:

(A) Date of birth, sex, full name, address, and home telephone number.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs or tissues.

(3) The form shall also include a description of the process for having a name removed from the registry, and the process for donating money ~~to for the benefit of the Organ and Tissue Donor Registry Fund~~ *registry.*

(4) The registry enrollment form shall be posted on the Web sites for the department and the California Health and Human Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(6) The ~~agency~~ *registrar* shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the ~~department~~ *registrar* for the purposes of this subdivision shall be used for these purposes only and shall not further be disseminated by the ~~department or the California Health and Human Services Agency~~ *registrar.*

(c) No contract may be let to any nongovernmental entity for the processing of identification cards unless the department receives two or more qualified bids from independent, responsible bidders.

~~(d) This section shall become operative on the date the Director of Finance makes the determination described in subdivision (d) of Section 7152.7 of the Health and Safety Code.~~

1 SEC. 9. Section 13005 of the Vehicle Code, as amend by
2 Section 6 of Chapter 740 of the Statutes of 2001, is repealed.

3 ~~13005. (a) The identification card shall resemble in~~
4 ~~appearance, so far as is practicable, a driver's license issued~~
5 ~~pursuant to this code. It shall adequately describe the applicant,~~
6 ~~bear his or her picture, and be produced in color or engraved by a~~
7 ~~process or processes that prohibit as near as possible, the ability to~~
8 ~~alter or reproduce the identification card, or prohibit the ability to~~
9 ~~superimpose a picture or photograph on the identification card~~
10 ~~without ready detection.~~

11 ~~(b) With every identification card, the department shall provide~~
12 ~~the form described in subdivisions (b) and (c) of Section 12811.~~
13 ~~The form may be carried with the identification card and may be~~
14 ~~used by the cardholder to indicate his or her willingness and intent~~
15 ~~to make an anatomical gift, his or her refusal to make an~~
16 ~~anatomical gift pursuant to Section 7150.5 of the Health and~~
17 ~~Safety Code, or the date that a pacemaker was implanted. The~~
18 ~~department shall present this form, and explain its use, to each~~
19 ~~applicant for an identification card or identification card renewal.~~

20 ~~(c) The anatomical gift shall become effective upon the death~~
21 ~~of the holder of the card.~~

22 ~~(d) No contract may be let to any nongovernmental entity for~~
23 ~~the processing of identification cards unless the department~~
24 ~~receives two or more qualified bids from independent, responsible~~
25 ~~bidders.~~

26 ~~(e) This section shall become operative on the date determined~~
27 ~~under subdivision (a) of Section 1672.3.~~

28 ~~(f) This section shall become inoperative on the date the~~
29 ~~Director of Finance makes the determination described in~~
30 ~~subdivision (d) of Section 7152.7 of the Health and Safety Code.~~